

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

MARISOL GREEN,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 1:19-cv-00125-BU
	§	
ANDREW SAUL,	§	
Commissioner of the Social Security	§	
Administration,	§	
	§	
Defendant.	§	

REPORT AND RECOMMENDATION

Now before the Court is the Social Security Commissioner's Unopposed Motion to Remand (Dkt. No. 23). The Commissioner asks the Court to reverse and remand this case pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings before the Social Security Administration Appeals Council.

Senior United States District Judge Sam R. Cummings transferred this case to Magistrate Judge E. Scott Frost for further proceedings on June 11, 2019. Pursuant to Special Order No. 3-326, the case was reassigned to the undersigned magistrate judge on October 1, 2019. The parties were advised of the undersigned's availability to exercise jurisdiction in this case pursuant to 28 U.S.C. § 636(c); however, the parties did not provide their consent. As a result, the undersigned is required to file a report and recommendation with respect to all dispositive matters, including motions to remand pursuant to the fourth sentence of 42 U.S.C. § 405(g).

After reviewing the Commissioner's unopposed motion and the applicable law, the undersigned finds that a hearing on this motion is unnecessary and recommends that the Defendant's Unopposed Motion to Remand be granted. Accordingly, it is recommended that this

case be reversed and remanded to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further adjudication consistent with the Commissioner's motion.

Additionally, the undersigned recommends that Plaintiff's pending Motion for Summary Judgment (Dkt. No. 20) be denied as moot.

Because the parties have not consented to proceed before a United States magistrate judge, the undersigned directs the Clerk of Court to REASSIGN this case to Senior District Judge Sam R. Cummings in accordance with normal procedures.

A copy of this Report and Recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this Report and Recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the District Court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).

IT IS SO ORDERED this 22nd day of January, 2020.



JOHN R. PARKER
UNITED STATES MAGISTRATE JUDGE